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OCT 31 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST OF CA

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA

12 Plaintiff,

13 v.

14 SAMUEL L. IVEY aka
15 SAMUEL LYONS IVEY,

16 Defendant.

NO. C07-4556 SLM

CONSENT JUDGMENT

17 The above entitled Plaintiff having filed its complaint herein, and the above entitled
18 defendant having consented to the making and entry of this final judgment without trial,
19 hereby agree as follows:

20 1. This Court has jurisdiction over the subject matter of this litigation and over the
21 parties to the Consent Judgment. The Complaint herein states a claim upon which relief
22 can be granted. The defendant hereby acknowledges and accepts service of the
23 complaint filed herein.

24 2. In accordance with the provisions of Title 28 U.S.C. Section 636(c) the parties
25 hereby voluntarily waive their rights to proceed before a judge of the United States District
26 Court and consent to have a United States magistrate judge conduct any and all further
27 proceedings in the case, including trial, and order the entry of a final judgment. It is
28

1 understood that any appeal from a judgment entered by a magistrate judge will be taken
2 directly to the Ninth Circuit of the United States Court of Appeals in the same manner as
3 an appeal from any other judgment of a District Court..

4 3. Judgment shall be in favor of Plaintiff, United States of America and against
5 defendant, Samuel L. Ivey aka Samuel Lyons Ivey, in the sum of \$7,131.22 consisting
6 of \$5,952.66 in principal, \$124.10 interest to October 05, 2007, civil penalty costs of
7 \$1,049.46, court costs of \$30.00 and civil administrative cost of \$5.00, plus interest at the
8 rate of 2.00% per annum (per diem of \$0.32) on principal in the amount of \$5,952.66 from
9 October 05, 2007, up to the date of entry of the within Consent Judgment, less any sums
10 tendered toward satisfaction of the obligation during said time period.

11 4. This consent judgment shall bear interest pursuant to the provisions of 28
12 U.S.C §1961(a) at the legal rate per annum from the date of entry of judgment, which
13 interest will be compounded annually pursuant to the provisions of 28 U.S.C. §1961(b)
14 until paid in full.

15 5. On or before November 15, 2007, the judgment debtor will tender to the United
16 States of America, a check payable to the U.S. Department of Justice mailed to,

17 U. S. Department of Justice
18 Nationwide Central Intake Facility
19 P. O. Box 70932
Charlotte, NC 28272-0932

20 in the amount of \$200.00; thereafter judgment debtor will tender \$200.00 on or before the
21 15th day of each succeeding month until the account is paid in full.

22 (a) Each said payment shall be applied first to the payment of interest accrued to
23 the date of receipt of said payment, and the balance, if any, to the principal;

24 (b) The judgment debtor shall submit financial data to the plaintiff as specified by
25 plaintiff on the anniversary date of this judgment for each year this judgment remains
26 unpaid; and

27 (c) Plaintiff reserves the right to evaluate the updated financial data and adjust the
28 periodic payment rate accordingly, or to demand a lump sum payment if warranted by the

1 judgment debtor's financial circumstances, subject to Court approval.

2 6. An Abstract of Judgment shall be recorded with the Recorder's Office of the
3 County of residence of the judgment debtor; plaintiff may also record or file similar
4 documents elsewhere.

5 7. Default under the terms of this consent judgment will entitle the United States
6 of America to execute on this judgment without notice to the judgment debtor.

7 8. The judgment debtor has the right of prepayment of this debt without penalty,
8 and the interest charged will only be calculated to the date of final payment.

9 9. In case of default, all costs incurred in recording, filing, executing, or levying
10 on, satisfying, or otherwise servicing this judgment shall be paid by the judgment debtor.

11
12
13 Dated: October 05, 2007


By: MICHAEL COSENTINO
Attorney for Plaintiff,
United States of America

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15
16 I have read the foregoing, I understand and agree to the terms, and I
17 sign this agreement as a free and voluntary act.

18
19 Dated: 10/24/07


Samuel L. Ivey aka Samuel Lyons Ivey
Defendant and Judgment Debtor

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21
22
23 APPROVED AND SO ORDERED THIS 24 DAY OF October, 2007,

24 The Clerk of the Court is DIRECTED to close the file in the action.

25
26 
JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE